

Atty. Dkt. No. 025782-0105 (3605.Palm)
(f/k/a 035451-0122)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 12, and 24 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-24 are now pending in this application.

AFFIDAVIT AND DECLARATION

In Section 1 and 2 of the Office Action the Examiner indicated that the declaration filed on 11/12/04 was ineffective because of missing signature and further indicated that upon approval of the accompanying petition the declaration should be resubmitted.

In Section 3 of the Office Action the Examiner indicated that there were evidentiary papers missing in the declaration. Applicants submit that the evidentiary papers were inadvertently omitted at the time of filing and that the papers will be filed with the declaration when the petition is granted.

Applicants have in the meantime addressed the Examiner's rejections via amendment and argument and thus the Declaration may not be necessary should the claims pending be allowed, but will be filed at a later date, should the need arise.

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CLAIM REJECTIONS – 35 U.S.C. § 112

In section 2 of the Office Action, the Examiner rejected Claims 6, 11, and 17 under 35 U.S.C. § 112 because there was insufficient antecedent basis for the limitation “the estimated position” and that there was a need for a comparative element in the claims. Applicant has respectfully submitted amended Claims 6, 11, and 17 to comply with the Examiner’s suggestions. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112 of Claims 6, 11, and 17 be withdrawn.

Applicants respectfully submit that amendments were made in response to the previous office action to overcome the lack of antecedent basis rejection. Applicants respectfully suggest that upon careful examination of claims 6, 11, and 17, the Examiner will see that there is no longer a lack of antecedent basis and thereby allow those claims as they presently stand.

CLAIM REJECTIONS – 35 U.S.C. § 103

In section 2 of the Office Action, the Examiner rejected Claims 1-5, 7-10, 12-16, and 18-24 under 35 U.S.C. § 103(a) as being unpatentable over Parry (U.S. Patent Publication No. 2002/0164997) in view of Aarnio (U.S. Patent Publication No. 2003/0087650).

With regard to amended independent claim 1, Applicants respectfully submit that no combination of Parry and Aarnio, discloses, teaches, or suggests that the list of addresses are gathered by the mobile device. What is disclosed and taught by Parry is that the network access devices 12 are communicating with each other to determine what the communication zone for a mobile device is. The mobile device does not gather a list of the nearby devices as recited in amended independent claim 1. Further, Aarnio does not teach such a limitation. Because all of the claim limitations are not taught by any proper combination of Parry and Aarnio, Applicants

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respectfully submit that amended claim 1 and its respective dependent claims are therefore allowable.

With regard to independent claim 7, Applicants respectfully submit that no combination of Parry and Aarnio, discloses, teaches, or suggests that the list of addresses of devices nearby the mobile device are received from the mobile device. What is disclosed and taught by Parry is that the network access devices 12 are communicating with each other to determine what the communication zone for a mobile device is. The mobile device does not gather and send out a list of the nearby devices as recited in independent claim 7. Further, Aarnio does not teach such a limitation. Because all of the claim limitations are no taught by any proper combination of Parry and Aarnio, Applicants respectfully submit that claim 7 and its respective dependent claims are therefore allowable.

With regard to amended independent claim 12, Applicants respectfully submit that no combination of Parry and Aarnio, discloses, teaches, or suggests that the list of addresses of nearby devices in communication with a communication device are gathered by the mobile device. What is disclosed and taught by Parry is that the network access devices 12 are communicating with each other to determine what the communication zone for a mobile device is. The mobile device does not gather a list of the nearby devices as recited in amended independent claim 12. Further, Aarnio does not teach such a limitation. Because all of the claim limitations are no taught by any proper combination of Parry and Aarnio, Applicants respectfully submit that amended claim 12 and its respective dependent claims are therefore allowable.

With regard to independent claim 18, Applicants respectfully submit that no combination of Parry and Aarnio, discloses, teaches, or suggests that there is a server coupled to the communications network, the server being configured to receive location requests from the wireless device, the location request including a list of addresses of devices coupled to the communications network that are nearby the wireless device. What is disclosed and taught by Parry is that the network access devices 12 are communicating with each other to determine what the communication zone for a mobile device is. The wireless device 14 does not gather and send

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out a list of the nearby devices as recited in independent claim 18. Further, Aarnio does not teach such a limitation. Because all of the claim limitations are not taught by any proper combination of Parry and Aarnio, Applicants respectfully submit that claim 18 and its respective dependent claims are therefore allowable.

With regard to amended independent claim 24, Applicants respectfully submit that no combination of Parry and Aarnio, discloses, teaches, or suggests entering the locations of stationary and permanent devices and the associated device addresses into a database, by a mobile device. What is disclosed and taught by Parry is that the network access devices 12 are communicating with each other to determine what the communication zone for a mobile device is. The mobile device does not gather a list of the nearby devices as recited in amended independent claim 24. Further, Aarnio does not teach such a limitation. Because all of the claim limitations are not taught by any proper combination of Parry and Aarnio, Applicants respectfully submit that amended claim 24 and its respective dependent claims are therefore allowable.

* * * * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers

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submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and
authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date July 18, 2005

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